

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DANNY BALTIERRA,

Plaintiff,

Case No. 15-10008

v.

Honorable Denise Page Hood

ORLANS ASSOCIATES PC,

Defendant.

ORDER DENYING MOTION FOR RECONSIDERATION

This matter is before the Court on Defendant's Motion for Reconsideration brought under E.D. Mich. LR 7.1 filed October 21, 2015. On October 7, 2015, the Court entered an Order denying Defendant's Motion to Dismiss or to Decline Supplemental Jurisdiction. (Doc. No. 13) For the reasons set forth below, the Court denies the motion.

The Local Rules of the Eastern District of Michigan provide that any motion for reconsideration must be filed within 14 days after entry of the judgment or order. E.D. Mich. LR 7.1(h)(1). No response to the motion and no oral argument thereon shall be allowed unless the Court orders otherwise. E.D. Mich. LR 7.1(h)(2). Defendant's motion is timely filed. The Local Rule further states:

(3) **Grounds.** Generally, and without restricting the court's discretion, the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication. The movant must not only demonstrate a palpable defect by which the court and the parties and other persons entitled to be heard on the motion have been misled but also show that correcting the defect will result in a different disposition of the case.

E.D. Mich. LR 7.1(h)(3). A motion for reconsideration is not a vehicle to re-hash old arguments, or to proffer new arguments or evidence that the movant could have brought up earlier. *Sault Ste. Marie Tribe v. Engler*, 146 F.3d 367, 374 (6th Cir. 1998)(motions under Fed.R.Civ.P. 59(e) “are aimed at *re* consideration, not initial consideration”)(citing *FDIC v. World Universal Inc.*, 978 F.2d 10, 16 (1st Cir.1992)).

Defendant in its Motion for Reconsideration raises a new argument not initially raised in its Motion to Dismiss—that Plaintiff failed to met the statutory requirements under the Michigan Collection Practices Act. In its initial Motion to Dismiss, Defendant raised the issue of failure to allege actual damages and, alternatively, for the Court to decline supplemental jurisdiction. Defendant also submitted an affidavit to support its Motion for Reconsideration which was not submitted in its initial motion and is not a proper submission under a Rule 12(b)(6) motion where only the pleadings are considered.

Accordingly,

IT IS ORDERED that Defendant's Motion for Reconsideration under E.D.
Mich. LR 7.1 (**Doc. No. 14**) is DENIED.

S/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: November 9, 2015

I hereby certify that a copy of the foregoing document was served upon counsel of record on November 9, 2015, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry
Case Manager